A

True, Short, Impartial

RELATION

Containing the Substance of the

PROCEEDINGS

at the Assize held the 12th and 13th day of the Moneth called *August*, 1664. at the Town of *Hertford*, (*Orlando Bridgman* being Judge) Chiefly with and against Nine Prisoners called *Quakers*; as it was then Noted and Observed first in short-writing:

and now made publick; Partly to prevent various Reports; And partly to Inform People of the illegal Proceedings of the said Court against the Prisoners aforesaid: Eight of which were Sentenced to be Transported beyond the Seas, there to Remain for Seven Years.

W. S.

And Judgment is turned away backward, and Justice standeth afar off; for Truth is fallen in the street, and Equity cannot enter, Isa. 59. 14, 15. And see Chap. 10. 1, 2. And *Micah* 7. 4.

Printed in the Year 1664.

A

True, Short, Impartial

RELATION

Containing the Substance of the

PROCEEDINGS

At the Assize held the 12th and 13th day of the Month called August, 1664.

Before Lawn of Norfolk (Oxford, Sussex, and Bishop)

Chiefly with [illegible]

[illegible]

And now made publick, Partly to prevent various Reports: And partly to inform People of the Great Proceedings of the said Court against the Prisoners [illegible]: Eight of which were sentenced to be Transported beyond the seas, there to Remain for Seven Years.

W. S.

And judgment to be [illegible] and Justice [illegible] as [illegible] is [illegible] in the [illegible], and [illegible] every [illegible]

Printed in the Year 1664.

Hertford, Auguſt, 12, 13.

ON the 12*th* day thoſe Nine Priſoners, and many others who are called *Quakers*, were called over; The others had the Oath of Allegiance read to them, and becauſe they would not kiſs the Bible and ſwear, were Returned to Priſon again, where ſome of them have been Priſoners ſome years.

Then an Indictment being framed againſt thoſe Nine Priſoners, *for being at an unlawful Meeting, under colour and pretence of Religion*, the Witneſſes were examined, who agreed in their Evidence, *That they were took at ſuch times, at ſuch places, met together above the number of five*; and that they *heard them ſay nor ſpeak no words, nor ſaw them do any thing at their Meeting, but ſit ſtill.* The Indictment was delivered to the Grand Jury, who did not agree in their Verdict that day, but on the thirteenth day in the morning early, they came into the Court, and brought in their Verdict *Ignoramus*.

Judge *Bridgeman* ſtanding up, ſeemed to be angry with them, and ſpake to them after this manner: *My Maſters what do you mean to do? will you make a noſe of wax of the Law, and ſuffer the Law to be baffled? thoſe that think to deceive the Law, the Law will deceive them:* One of the Jury-men ſaid to him, (when he asked them how it could be they did not find the Bill) that it concerned them to beware, and be well ſatisfied in what they did, for they were upon mens lives, for what they knew: No ſaid the Judge I deſire not their lives, but their Reformation; then one of the Juſtices reflected upon, and upbraided the Jury-man, as not being purged from his old dregs: ſo the Judge giving them ſome Directions (drawn as he ſaid from the meaning and intent of the Law) how to find the Bill; his Inſtructions and Directions to this Grand Jury, was like his Inſtructions to the Petty Jury, which follows at large, therefore may be omitted here; Then he cauſed them to go forth again, who returned ſoon, and found the Bill; At which the Court ſeemed to be well pleaſed: Then were four of thoſe Nine Priſoners called to the Bar, and their Indictment read, and the Priſoners being asked whether they were *Guilty, or not Guilty?* they anſwered, *Not Guilty*, but *Innocent*, and that they had tranſgreſſed no juſt Law.

J. B. spake and said, but you have Transgressed this Law, (having the late Act in his hand) and you have been twice Convicted * already upon Record, and if you are found Guilty by the Jury this time, I must pass the Sentence of Transportation upon you: Now therefore you shall see that we do not desire to strain the Law to the highest severity, neither do I believe that was the aim of the Law-makers, to be severe; but for Conformity: If you will promise that you will not go, or be at, any more such Meetings, I will shew you this favour, as to acquit you for what is past; † this favour you may receive before the Jury is Charged with you, but afterwards I cannot do it: And know also, if the Jury for want of punctual Evidence, should not find you guilty, yet if you are taken again, you will be in the same case you now are in; what say you, Will you promise to meet no more?

Pris. *We can promise no such thing?*

J. B. Call a Jury. So a Jury was called, sworn, and charged to bring in their Verdict according to * Evidence; And then the Indictment was read the second time, the substance of which was, *for being at an Unlawful Meeting at such a time and place, the first, second and third time.* The Witnesses were called and sworn, whose Testimony agreed in this only, That they took the Prisoners (at the Bar) at such times, at such places, met together above the number of Five, but that they saw any thing they † did, or heard any thing they said or spake at the Meetings, they did not nor could not witness.

Then *J. B.* spake to the Jury after this manner, My Masters the Jury, You hear what Evidence the Witnesses give; how they took them at such times at such places, which are places they use to meet in; And that they were above the number of Five besides the persons of the Family where they met;

* *Not of any evil done, nor yet according to the plain words or letter of the Law, the fact which it reacheth being never yet proved against them, as might be made appear if either reason or truth might be heard in the case.*

† *How then does he say this Law is not against Conscience, if other Laws be, which enjoyn coming to the Church, as he saith afterwards?*

* *Mark, But when the Evidence would not serve his turn, he would prepossess them with his own suppositions against the Prisoners, as after appears.*

† *What Law of any Nation punisheth any man if he speak no evil, nor do no evil.*

met*; And that they are twice Convicted upon Record already; And this is the third Offence, which incurs the Sentence of Transportation, if you finde them Guilty.

Now I have this to say to you (first reading that clause in the Act which saith, *That if any after the first day of July shall be present at any Conventicle, Assembly or Meeting, &c.*) My Masters, you are not to expect a plain punctual Evidence against them for any thing they said or did at their Meeting; for they may speak to one another though not with or by Articulate sound, but by a Cast of the Eye, or a Motion of the Head or Foot, or Gesture of the Body; for dumb men may speak to one another so as they may understand each other by signs: And they themselves say, that the Worship of God is *inward*, in the *Spirit*, and that they can *discern Spirits*, and know one another in Spirit: So that if you find, or believe in your hearts that they were in the Meeting, *under colour of Religion* in their way, though they sate still onely and looked upon each other, seeing they cannot say *what* they did there: It was an *Unlawful Meeting*, and their use and practice not according to the *Liturgie* of the Church of *England*, for it allows and commands when people meet together in the Church, That [c] Divine Service shall be read, &c. And you must find the Bill, for you must have

* *And what evil have they ever done, or their Meetings produced? in no other place nor number that in reason can make a Meeting unlawful, where no evil is done, or intended.*

† *Note, though they were sworn and charged to bring in their Verdict according to Evidence, yet the Judge bids them not expect any plain Evidence against the Prisoners for any matter of fact they did, but strongly possesseth the Jury with suppositions & imaginations of what they might do, though they did it not.*

‡ *In that they speak the truth as the Scripture witnesseth that God is a Spirit, and is worshipped in the Spirit; and the Christians duly and do know one another in Spirit, and discern Spirits: Is then now become so high a crime to profess, as to deserve the sentence of Transportation, even for worshipping God indeed and in truth; and for denying all hypocrisie, colours, and pretence whatsoever?*

[a] *They that meet to reade and speak, and hear divine words, add to and practise the Devil's works; their worship is indeed under colour and pretence: and does not the Lyturgy allow of the Worship of God in the Spirit?*

[b] *A cruel Imposition.*

Respect

[g] *How many thousands have the Priests and Lawyers destroyed by their meanings?*

[h] *No experience of any evil contrived by those called* Quakers, *therefore unjustly urged upon the Jury against them.*

[i] *If that Law is not against practices performed in a conscientious duty to God, then is it highly perverted by the Executors of it.*

[k] *Why are these Laws then prosecuted against many innocent mens consciences?*

[m] *How doth this Law leave mans Consciences free, when it's their Consciences, to meet apart from those places called Churches, where Drunkards, Swearers, &c. meet? and how are his former words contradicted herein?*

[n] *How can they then bring in any Verdict upon an Indictment which hath relation both to Law and Fact,*

Respect to the [g] meaning and intent of the Law, which the King and Parliament have in wisdom and policy made, not only against Conventicles, but the words *Assembly* and *Meeting* was added, for we have had late [h] experience of the danger of such Meetings under colour of Religion; And it is an easie matter at such Meetings to conspire and consult mischief; Therefore the Wisdom and Policy of the King and Parliament, lest they should be undermined, have made this Law, which is not a Law against Conscience; for it doth not touch [i] Conscience at all, as I confess some other Laws do, which enjoyns coming to Church, and some other things; [l] but this Law leaves mens Consciences free, [m] (so they do not meet.) Something more, like as above, he spake to the Jury, forcing the intent and meaning of the Law, and their own perswasion or belief, above and beyond the express Reason of the Law it self, or Evidence of the Witnesses; telling them that he was Judge of the Law, as to tell them what it meant and intended; And that they were Judges of the Fact only: [n] Then he commanded the Jury to go forth, and they went forth, the Fore-man taking the Act with him: within the space of an hour the Jury returned, and being asked whether they were agreed? they said, *Yes*, and that their Fore-man should speak for them, who said, that *Nicholas Lucas* and the other three were guilty.

J. B. reading their names, said to the Prisoners, What can you say for your selves that Judgment of Transportation should not pass or be given against you?

Pris. *We are innocent, and have transgressed no just Law: if we must have that sentence, we give up our Bodies freely into the hands of the Lord, the will of the Lord be done.*

Judg.

Judg. B. Have you nothing more to say?

Priſ. *Nothing but that we are Innocent.*

J. B. Hearken to your Sentence, the execution of which admits of no long time (reading the words of the late Act, which ſaith, That *the Juſtices ſhall forthwith make their Warrant to the Sheriffs of the County, That they ſhall convey them to the next convenient Port for Tranſportation.*) Have you nothing more to ſay?

Priſ. *We are innocent, and have wronged no man.*

J. B. Hear your Sentence, *You ſhall be Tranſported beyond the Seas to the Iſland of* Barbadoes, *there to remain ſeven years.*

Then *Jeremiah Herne* and *Thomas Wood* were called to the Bar, and their Indictment read, to which they pleaded *Not Guilty, but Innocent*; and *Jeremiah Herne* ſaid he was no ſuch perſon as the Act mentions, for plotting and contriving Inſurrections, [o] &c. Then *J. B.* interrupted him, ſaying, You are a forward man, you have an eſtate, and cauſed him to be ſet by; but *J. B.* ſaid, *Thomas Wood* I hear a good report of you, conſider what you do; I am ſorry, ſeeing you have a good report among your neighbours, that you ſhould be found Guilty, which I fear you will if you put your ſelf upon Tryal; I am willing to ſhew you favour, and it may be one man may fare the better for another [meaning that *J. H.* who was included in the ſame Indictment, but had been baſely and falſly repreſented to the Judge, by a wicked man, on *John King* of *great Haddam*, who was Witneſs againſt *Jeremiah Herne*, and excepted againſt in point of Teſtimony, as a perſon of a falſe tongue and malicious ſpirit, as was manifeſted and made appear by the ſaid *J. H.* to the Magiſtrates formerly, and was then offered again to the Court, if he might have been heard.] But though there was great enmity againſt the ſaid *Jer. Herne*, the Judge ſaid they ſhould both partake of this his favour if they would but deſire it; which was, that he would wave the proceedings of the Court, and give them till the next Aſſizes to conſider better with themſelves, which he ſaid he could not ſhew them after the Jury was charged with them; What ſay you, will you have it deferred

[o] *Note, that this their Plea of Innocency might not be accepted of, though nothing contrary thereto could be proved againſt them, according to the Reaſon of the Law here pleaded by the Priſoners, though altogether perverted and waved by their Proſecutors.*

deferred till the next Assizes? For if the Jury find the Bill, [p] you will be sent to *Jamaica*, you must not go all to one place.

Pris. *If We have transgressed no Law of God, nor wronged any man, we desire it may be known in the Court, we desire it may.*

J. B. If you will not desire it, I cannot; nor will not do it; [but he often urged that they would desire it.]

Then were Three more brought to the Bar; one was taken coming out or from the Meeting, *viz. John Reynolds*, the Witnesses said *within a yard of the door, with his face from-wards the Meeting-place, the other in the Meeting.* Their Indictment was all of one form; the Jury was called, Sworn and charged, as before, to bring in their Verdict according to Evidence; the Indictment read; the Witnesses gave in their Evidence, *That they only took them at such times, and at such places, saying nothing, nor doing nothing, but sitting still.* The Judge took occasion when one of the Prisoners was at the Bar, to speak on this wise, God forbid that I should do any thing that is not right and just, against my Conscience, there is that which is written upon the Wall before me, which puts me in mind that I should not judge for man, but for God, (q) and *I. H.* afterward put him in mind thereof, saying, *If I have transgressed any just Law, let me suffer; and if not, he that judgeth for God will not condemn me* (or words to that purpose.) But the Judge gave him a slight Answer, saying, You do well to put me in mind of my duty, pray think of your own. Then in his direction to the Jury concerning the five Prisoners at the Bar, he made a long speech to the same purpose, and in like manner as before. And concerning him that was taken, but not in the Meeting, he endeavoured much to perswade the Jury that he might very probably be guilty, giving them this instance; Suppose, said he, a man be killed in a house, and no body saw him killed, but a man is met coming out of the house with a bloody knife in his hand, it is a very probable Evidence that he is guilty

[p] *Could he expect any other but that the Jury would find the Bill, when before he put them upon it?*

(q) *Mark that, And where then does God command him so severely to sentence innocent persons for meeting peaceably together? Nay, hath he not plainly judged for man, and against God in this matter, whereas the persons he sentenced, did meet in the Worship of God to wait upon him? and if he judged for God, why did he not shew some Law of God for what he did?*

guilty of the Murder. (r) So though the Witnesses do not say that they saw and took him in the Meeting, yet they swore he was within a yard of the door with his face from-wards the place where they usually met; and he hath been taken twice already, and Convicted upon Record: my Masters I leave it to you, go forth. A Bailiff was called, sworn, and charged to provide the Jury a Room, and to let none speak with them, nor to let them have either Bread, Drink, or Candle, till they brought in their Verdict.

In the space of about half an hour the Jury returned, and being asked for their Verdict, they said four of the five Prisoners above-mentioned were *Guilty*, and that the other which was taken in the yard was *Not Guilty*, so he was acquitted.

J. B. Put *Thomas Wood*, *Jeremiah Herne*, and the other two to the Bar; so reading their names, he asked them what they could say why Judgment of Transportation should not be given against them?

Prif. *We are Innocent, and have not offended any just Law of God or man to deserve that Sentence; we leave it to the Witness of God in thy and your Consciences.*

J. B. You have offended against this Law (having the late Act before him) which is made by the King and Parliament, and executed by their subordinate Ministers: if it be not Righteous and Just we must answer for that. Have you any more to say?

Prif. *Nothing but that we are Innocent.*

J. B. Hear your Sentence; You shall be Transported beyond the Seas to the Island of *Jamaico*, being one of his Majesties Plantations Forreign, there to remain seven years. (s)

J. B. Now I have this one thing to acquaint you with, That if you and either of you will pay down here into the Court an hundred pounds before the Court riseth, you and every of you shall be discharged and clearly acquitted for what is past: And I will shew you this favour.

(r) *Could this be either Justice or Reasonable, thus to go about to prepossess the Jury against an innocent man, beyond their Evidence, and with such an unfit instance? or could this be a fit parallel in a matter of Conscience or Worship, wherein they were concerned, let all that be but rational judge?*

(s) *Now Judge* Bridgman, *thou hast discovered thy Spirit, and what was in the bottom, and all sober people may take notice of thy proceedings.*